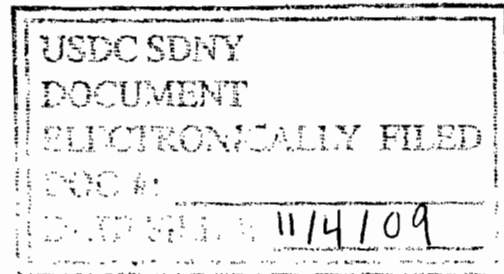


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GRIEVANCE COMM. FOR THE TENTH
JUDICIAL DISTRICT,

Plaintiff,

- against -

RUTH POLLACK,

Defendant.

ORDER

09 Civ. 7570 (DC)

CHIN, District Judge

On October 18, 2009, defendant Ruth Pollack filed a motion for "emergency relief." She requested that the Court issue an order (1) correcting the docket, (2) denying the remand application and/or striking the application as unauthorized, and (3) awarding costs and fees incurred in her opposition to the remand application. These requests are considered in turn.

First, the original court filings indicate that the designation of the case as a "Securities/Commodities" action on the docket was simply an error. Indeed, the original civil cover sheet, executed by defendant Pollack on August 31, 2009, with the Southern District of New York's Clerk's Office and Pro Se Office, lists the nature of the action as pertaining to the "Constitutionality of State Statutes." The Clerk of the Court is **HEREBY ORDERED** to correct the docket accordingly.

The Court further finds that the inclusion of plaintiff's counsel Robert Cabbie's previous employer on the docket was similarly a simple error. There is no evidence

suggesting that Cabbie caused his former employer to appear on the docket as counsel for plaintiff. Indeed, Cabbie immediately contacted the Clerk's Office and this Court upon learning of the error. Accordingly, the Clerk of the Court is HEREBY ORDERED to correct the docket. The attorney contact information for plaintiff's counsel should appear as follows:

Robert H. Cabbie, Assistant Counsel
Grievance Committee for the Tenth Judicial District
150 Motor Parkway, Hauppauge, NY 11788
631-231-3775
rcabbie@courts.state.ny.us

Second, defendant's request to expeditiously deny the remand application or strike the application as unauthorized is DENIED. The Court will consider the remand motion on the merits, in due course.

Finally, defendant's request for costs and fees incurred in opposition to the motion for remand is DENIED.

SO ORDERED.

Dated: New York, New York
November 4, 2009


DENNY CHIN
United States District Judge